

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**July 21, 2006**

DIVISION ONE

[illegible]

The judgment is reversed, and the matter is remanded with directions that the superior court hold a new *Pitchess* hearing in accordance with the views expressed in this opinion. If any complaint regarding dishonesty, including perjury or filing of a false police report, or any additional complaint of excessive force is discovered and the earlier nondisclosure of such complaint or complaints prejudiced defendant's trial, the judgment is reversed as to counts 3 and 4 with directions to turn over the relevant matters discovered and hold a new trial as to those counts only. Otherwise, defendant's sentence is modified by striking the one-year use enhancement (Pen. Code, §12022, subd.(b)(1)) on count 3, and as modified, the judgment is affirmed, and the superior court is directed to prepare an amended abstract of judgment accordingly.

Mallano, J.

We concur: Spencer, P.J.  
Rothschild, J.

July 21, 2006 (Continued)

DIVISION TWO

B184638 Shin (Certified for Publication)  
v.  
Ahn

The order granting a new trial is affirmed and the matter is remanded to the trial court in accordance with the views expressed herein. Respondent is awarded his costs on appeal.

Doi Todd, J.

I concur: Chavez, J.  
I dissent: Boren, P.J. (Opinion)

## DIVISION FOUR

B192902 People v. Woody

(Not for Publication)

The judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.  
Suzukawa, J.

B183836      People                                  (Certified for Publication)  
v.  
Jose Y.

The order of the juvenile court sustaining the petition is affirmed.

Suzukawa, J.

We concur: Willhite, Acting P.J.  
Manella, J.

DIVISION FOUR (Continued)

B184755 People (Not for Publication)  
v.  
Espinoza

The judgment is modified to strike the one-year enhancement imposed pursuant to section 667.5, subdivision (b), resulting in an overall sentence of four years. The trial court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment reflecting the following changes: (1) the one-year enhancement imposed pursuant to section 667.5, subdivision (b) is stricken; (2) the sentence on count 5 is to run concurrent; (3) the sentences on counts 3, 4 and 6 are to be designated “consecutive 1/3 non-violent”; and (4) the total sentence imposed is four years. In all other respects, the judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.  
Hastings, J. (Assigned)

B187281 People (Certified for Partial Publication)  
v.  
Geneva C.

The order (declaration of wardship) appealed from is affirmed.

Willhite, J.

We concur: Epstein, P.J.  
Manella, J.

## DIVISION SIX

B185725      City of Port Hueneme  
v.  
Oxnard Harbor District et al.,  
Vancamp et al.,

Filed order granting petition for rehearing. Appellant, respondents and real parties in interest shall submit simultaneous, supplemental briefing on the following issue: Does Harbors and Navigation Code section 6077.5 authorize a harbor district to acquire an exiting railroad, including the real property "used in connection with the Rail"? All briefs are due within fifteen days of this order.

## DIVISION EIGHT

B184719 People (Not for Publication)  
v.  
John Okiyefa

We remand for further proceedings consistent with this opinion. In all others respects, the judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.  
Boland, J.